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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

Human rights and mass exoduses

Report of the Secretary-General

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Introduction

1. The Commission on Human Rights, at its fifty-first session, adopted resolution 1995/88 entitled "Human rights and mass exoduses". It requested again the Secretary-General to prepare a report containing information and views on solutions that Governments, intergovernmental organizations, specialized agencies and non-governmental organizations have found to be effective in the area of mass exoduses, a compilation of information and recommendations from human rights mechanisms on problems resulting in mass exoduses of populations or impeding their voluntary return home and his views on these matters. Furthermore, it requested that the report include information on and recommendations and conclusions emerging from the action taken pursuant to the resolution.

2. In compliance with the resolution, notes verbales and letters were sent to all Governments and concerned organizations on 6 April 1995, drawing their attention to the request mentioned above and asking that any information and views relating to these matters be sent to the Centre for Human Rights by 30 September 1995.

3. Information was received from the following Member States: Angola, Azerbaijan, Colombia, Nepal, Romania, Spain, and Ukraine. Replies were also received from the following United Nations entities and specialized agencies: the United Nations Department for Economic and Social Information and Policy Analysis, the United Nations Environment Programme (UNEP), the United Nations High Commissioner for Refugees (UNHCR), the Food and Agriculture Organization of the United Nations (FAO), the International Monetary Fund (IMF), the United Nations Industrial Development Organization (UNIDO), the International Criminal Police Organization (Interpol), and the Organization for Security and Cooperation in Europe (OSCE).

4. Replies were received from one non-governmental organization: the Friends World Committee for Consultation/Quakers (FWCC).

5. In compliance with the above-mentioned resolution, information was provided by the United Nations High Commissioner for Human Rights, the Special Rapporteurs and independent experts on the human rights situations in Afghanistan, Burundi, Cambodia, Guatemala, Iraq, Myanmar, Rwanda, the Sudan, the territory of the former Yugoslavia and Zaire; the Representative of the Secretary-General on internally displaced persons; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Working Group on Arbitrary Detention; the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination and the Human Rights Committee; and the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

6. It must be appreciated that the present report compiles only information relating to the specific phenomenon of mass exoduses as contained in reports by the human rights mechanisms of the United Nations. It therefore does not list each situation that might be given as an example, but only those referred to in the reports of the above-mentioned mechanisms. It also does not analyse the complex historical and political background of mass exodus. A contextual

analysis of the specific situations mentioned can be found in the reports of the human rights treaty bodies and mechanisms from which this information has been deri ed. The information received generally relates to situations or events during the period from November 1994 to October 1995.

I. HUMAN RIGHTS INFORMATION ON MASS EXODUSES

7. Resolution 1995/88 requested the Secretary-General to report on the seeking of information by human rights mechanisms on problems resulting in mass exoduses, its inclusion in their reports and its communication to the High Commissioner for Human Rights. The Secretary-General was also requested to compile this information in the present report, along with information on problems impeding voluntary return home. In addition, the Secretary-General was asked to report on the activities of United Nations bodies and treaty bodies regarding information on the human rights situations creating or affecting refugees and displaced persons.

A. Problems, including human rights situations, resulting in mass exoduses

1. Mass exoduses caused as a by-product of war, armed conflict and human rights abuses

8. External and internal conflicts and systematic human rights violations and other abuses force many persons to leave their habitual areas of residence or their countries. In its reply, UNHCR noted the dramatic increase in displacement in several areas of the world during 1995, caused by the lack of political settlement of conflict situations and unabated massive violations of human rights. This observation is supported by the letters of a number of Governments.

9. Many special rapporteurs have included information in their reports on internal armed conflicts that have caused significant displacement. Their findings may be summarized as follows. According to the reports of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, in the territory of the former Federal Republic of Yugoslavia as many as 3 million persons are reported to have been displaced. In Afghanistan, nearly half the population of the country (approximately 9 million) have left their homes in search of safety, either crossing the border into neighbouring Pakistan and the Islamic Republic of Iran or moving to another part of Afghanistan, since the conflict began more than 16 years ago (A/50/567, annex). As for the Sudan the numbers of refugees in Uganda, Kenya and Ethiopia, as well as the numbers of displaced persons inside Sudan have increased further in the course of 1995 (A/49/539, annex). In Iraq, hundreds of thousands of Iraqi refugees remain outside the country, and equally large numbers are displaced inside the country (E/CN.4/1994/58). In Myanmar, tens of thousands of refugees are in camps along the Thai-Myanmar border, including 10,000 persons belonging to the Karen minority who were displaced in early 1995 (A/50/568, annex). In Liberia, it has been reported that since the beginning of the conflict some 1.5 million people have been displaced and 800,000 have fled to neighbouring countries (E/CN.4/1996/4).

10. Displacement occurs frequently as a result of indiscriminate military attacks against civilians during counter-insurgency operations (E/CN.4/1996/4). The Special Rapporteur on extrajudicial, summary or arbitrary executions has referred to this phenomenon in particular in connection with Turkey (E/CN.4/1996/4). The Representative of the Secretary-General on internally displaced persons has observed a similar phenomenon in Peru (E/CN.4/1996/52/Add.1), while the Human Rights Committee and the Committee on the Elimination of Racial Discrimination (CERD) have referred to the relevant situation in Sri Lanka (A/50/18 and CCPR/C/79/Add.56).

11. Internal displacement can also be caused by the violence and the impact of numerous irregular armed groups, as well as organized delinquents, guerrillas and paramilitary groups. The Government of Colombia in its reply refers to this phenomenon.

12. Inter-ethnic violence may also lead to displacement. For instance, the Special Rapporteur on the situation of human rights in Zaire described ethnic confrontations between indigenous ethnic groups (Bahunde, Banande and Banyanga) and the Banyarwanda and Banyamulenge (who originate from Rwanda) which have caused the displacement of populations from areas in which they have lived for decades or centuries (E/CN.4/1996/66).

13. Further displacement may be caused by attempts to close down camps of displaced persons and force them to return to their areas of origin. For instance, 27,000 persons fled from the Kibeho area in Rwanda to Burundi and Zaire, following the forcible closure of their camps by the Government (E/CN.4/1996/7).

14. The implantation of settlers is another cause for the displacement of civilians. This practice has been condemned by human rights mechanisms. In particular, it has been examined by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. In its latest report (A/50/463, annex) the Committee, while recalling the pledge of the Israeli Government not to build new settlements, points out that the settlement expansion has continued, leading to a continuous alteration in the configuration of land and demography in the occupied territories. CERD, in concluding observations adopted in August 1994, also condemned the Israeli settlements in the occupied territories as being illegal under international law and posing obstacles to peace and to the enjoyment of human rights by the whole population in the region. CERD has also expressed its concern for the changes in the demographic composition of Cyprus, brought about by the increasing illegal settlement of persons from Turkey in the occupied area of the country (A/50/18). Similar events have been reported by the Special Rapporteur on the former Yugoslavia with regard to the Federal Republic of Yugoslavia (Serbia and Montenegro). In Vojvodina considerable pressure is reportedly being exercised by Serb refugees from Krajina on the ethnic minorities (Hungarians, Croats and others) to leave these areas. There are also reports that these refugees are being encouraged to settle permanently in this area (A/50/727-S/1995/933, annex).

15. Racial discrimination and other human rights abuses that exacerbate ethnic or social tensions or affect persons belonging to minorities may also cause mass exoduses. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in his most recent report to the General Assembly (A/50/476, annex) describes a variety of phenomena that typically form the background of mass exoduses. In this regard, note is also made of CERD's observations regarding Peru, the Federal Republic of Yugoslavia (Serbia and Montenegro), Romania, Guatemala, Mexico, El Salvador, Chad and Nigeria (A/50/18), the observations of the Committee on Economic, Social and Cultural Rights regarding Mali (E/C.12/1994/17), the observations of the Human Rights Committee regarding the Russian Federation (CCPR/C/79/Add.54), Sri Lanka (CCPR/C/79/Add.56), Morocco (CCPR/C/79/Add.44), Tunisia (CCPR/C/79/Add.43) and Yemen (CCPR/C/79/Add.51), as well as the observations of the Committee on the Rights of the Child regarding Colombia (CRC/C/15/Add.30), the Philippines (CRC/C/15/Add.29) and Nicaragua (CRC/C/15/Add.36) are particularly relevant.

16. In addition, it has been observed that in many cases indigenous communities are disproportionately affected by displacement, in particular in those areas where their property and land rights are not adequately safeguarded. This was noted by human rights treaty bodies to be the case in Guatemala (A/50/18, para. 284), in Mexico (A/50/18, para, 363), in El Salvador (A/50/18, para. 481) and in Peru (E/CN.4/1996/52/Add.1).

2. Mass expulsion, internal transfer, forced eviction, forced relocation and forced repatriation

17. Deliberate measures to displace by force large numbers of persons, such as mass expulsions, internal transfers, forced evictions, forced relocations and forced repatriations, are another cause of mass exoduses.

18. Arbitrary and discriminatory expulsions and deportations from the territory of a country constitute a frequent occurrence. As reported by the Special Representative of the Secretary-General on the situation of human rights in Cambodia, ethnic Vietnamese were forcibly expelled from Cambodia to Viet Nam in the 1970s and 1980s; some are still stuck on the border between the two countries (A/50/681; E/CN.4/1994/73). The Special Rapporteur on racial discrimination has observed that mass expulsions of migrant workers occur frequently in African countries, and has noted the threat of mass expulsions of illegal alien migrants in the Republic of Korea and France (A/50/476, annex, paras. 101, 104).

19. Mass internal forced population transfers are reported to have occurred in Iraq, where there have been frequent allegations, including by the Special Rapporteur of the Commission, of internal transfer of Iraqi citizens from one part of the country to another, in particular in the first years after the end of the war in 1991 (E/CN.4/1994/58). The same is reported to have occurred in Myanmar, where large numbers of persons are internally displaced (A/50/568, annex). As observed by the Special Rapporteur, large numbers of persons are removed from lands designated for development projects without being relocated or appropriately compensated.

20. Closure of camps of internally displaced persons and attempts to force them to return to their areas of origin amount to mass involuntary internal transfers, and may have tragic results, as illustrated by the situation in Kibeho, Rwanda, mentioned above.

21. Illegal expulsions and forced evictions have been a frequent and dramatic occurrence in Bosnia and Herzegovina, as described in all the reports of the Special Rapporteur on the former Yugoslavia, in particular the latest (A/50/727, annex). As regards the year under review, the latest manifestations of this occurred in early September 1995, when a wave of expulsions of non-Serb minorities from north-west Bosnia started, during which numerous cases of beatings and physical and psychological torture were reported. Expulsions of Muslims have also occurred in Srebrenica, and the question of the thousands of the missing or detained expellees has still not been solved. Expulsions of the Serb minority are also reported to have occurred in central and western Bosnia, following the take-over of the region by the forces of the Federation of Bosnia and Herzegovina.

22. CERD has examined the issue of forced evictions with regard to Croatia. During the reporting period, its members inquired about the efforts of the Government of Croatia to protect the Serb minority, in particular from illegal evictions (A/50/18).

23. The Committee on Economic, Social and Cultural Rights has repeatedly expressed its concern about the practice of forced evictions and relocation policies. During the reporting period, it examined in particular this issue with connection to the Dominican Republic (E/C.12/1994/15). Information it had received indicated that tens of thousands of families were either threatened with forced eviction or already evicted, and that of the latter only a few had received some sort of compensation or relocation allowance. The Committee noted similar concerns with regard to the Philippines (E/C.12/1995/7). Information it had received suggested that at least 15,000 persons had been forcibly evicted between June 1992 and August 1994 and that another 200,000 families were being threatened with eviction. It expressed concern both about these numbers and the manner in which forced evictions were being carried out. With regard to Argentina, the Committee noted its concern at the conditions in which expulsions from buildings occupied illegally in Buenos Aires were carried out (E/C.12/1994/14).

24. Forced evictions have also taken place in Burundi. The Special Rapporteur on that country reported on the eviction of members of the Hutu communities from their residences in Bujumbura, in particular the neighbourhoods of Bwiza, Buyenzi, Kinama and Kamenge. This situation needs to be viewed in the context of the violence that has engulfed Burundi in the last few years (E/CN.4/1996/16).

25. The Special Committee to investigate Israeli practices has condemned forced evictions in the occupied territories. In its last report the Special Committee in particular noted that the Jahalin Bedouin tribe was facing forced eviction because of the expansion of a nearby Israeli settlement (A/50/463, annex, para. 736).

26. CERD members examining the latest periodic reports of Romania inquired about a reported agreement between the Governments of Germany and Romania, whereby groups of Gypsies would be transferred from the former to the latter, and requested relevant information to be provided in the next report of Romania (A/50/18).

27. Involuntary repatriation of refugees to their country of origin may be the cause of a new mass exodus. While the political situation may be very complex in such cases, as in the case of the mass repatriation of 20,000 Rwandan refugees from Zaire between 19 August and 1 September 1995 (E/CN.4/1996/7), it nevertheless raises the serious issue of refoulement. The same applies to the cases of ethnic Serb refugees expelled from the Federal Republic of Yugoslavia to Serb-controlled areas in Croatia and Bosnia and Herzegovina (A/50/727, annex).

3. Environmental degradation

28. The expansion of agriculture and uncontrolled urbanization has created an intensified and unsustainable demand for land, water and marine and coastal resources resulting in the increased degradation of natural ecosystems and the erosion of life-support systems that uphold human civilization. According to the United Nations Environment Programme, one of the tragic consequences of such degradation is the forced migration of millions of people in search of land that can sustain them. Environmental accidents and emergencies are also occurring with increasing frequency, placing natural and human habitats under acute stress and increasing risks of mass exoduses.

B. Problems impeding voluntary return home

29. Voluntary return home, including repatriation in the case of refugees and return to the area of origin in the case of internally displaced persons, can be impeded by a great variety of factors, ranging from insecurity to unsustainable economic conditions. A poor human rights situation is a major factor. This has been reported in recent months to be the case in Guatemala, where at least 100 returnees from Mexico were prevented from reaching their final destination by armed groups of a neighbouring community (E/CN.4/1996/15). A similar situation has been observed in Peru with regard to displaced persons returning from Lima to their villages (E/CN.4/1996/52/Add.1). The human rights situation in Rwanda is, among other factors, also posing difficulties to the return of those who took refuge in neighbouring countries, as reported by the Special Rapporteur (E/CN.4/1996/68).

30. Land-mines pose an enormous safety problem to return and repatriation schemes. In Afghanistan, for instance, some returnees have been forced to go back to the refugee camps owing to fear of land-mines (A/50/567, annex).

31. Land and property disputes frequently impede return. Serious difficulties are faced by refugees and displaced persons in Croatia, Bosnia and Herzegovina and the Federal Republic of Yugoslavia. Even where the security situation has stabilized and the official position is one of welcoming these persons to return to their homes, many find their property

destroyed or confiscated or face administrative impediments (A/50/727, annex). Similar problems have been reported in Peru (E/CN.4/1996/52/Add.1) and Rwanda (E/CN.4/1995/50/Add.1).

32. "Safe havens" may facilitate return of refugees and displaced persons to their areas of origin. In Iraq, the "safe haven" established pursuant to Security Council resolution 688 (1991) of 5 April 1991 facilitated the return of approximately 2 million Iraqi refugees from Turkey. However, they may create significant new problems, especially when they attract large numbers of persons without providing minimum guarantees of security and sustainability. In this regard, the former Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, Mr. T. Mazowiecki, pointed to the negative consequences that might arise when such areas are not effectively defended (A/50/441, annex-S/1995/801, annex). The Special Rapporteur on Iraq has also cautioned about the possible breakdown of law and order in the "safe haven" in northern Iraq, thus entailing the risk of new mass exoduses at any time from this region (E/CN.4/1995/49).

33. Even where the security threat has decreased, insufficient financial support for returnees can slow down the return process as in Guatemala and Peru (E/CN.4/1996/52/Add.1).

C. Human rights situations affecting refugees and displaced persons

34. Forced population movements resulting in mass exoduses constitute by their very nature infringements of international human rights and humanitarian law. In his compilation and analysis of legal norms pertaining to internally displaced persons (E/CN.4/1996/52/Add.2), the Representative of the Secretary-General identified a number of human rights norms that are violated when forced displacement occurs. In particular, the fundamental right to freedom of movement and to choose one's own residence, as well as the right to housing are jeopardized. Forced displacement is also prohibited by international humanitarian law, in particular articles 49 and 147 of the Fourth Geneva Convention, article 17 of Protocol II Additional to the Geneva Conventions, entitled "Prohibition of forced movement of civilians", and articles 51 (7) and 85 (4) (a) of Additional Protocol I.

35. Refugees and displaced persons are particularly vulnerable to human rights abuses and many human rights mechanisms reporting on the human rights situation in different countries have observed that the human rights of displaced persons and refugees are often jeopardized. In particular, the displaced frequently suffer violations of the right to life and physical and mental integrity, of the freedom from arbitrary detention and forced recruitment, of economic, social and cultural rights, and of the right to seek and enjoy asylum. They are also frequently victims of racial discrimination.

36. Recent cases in which special rapporteurs have drawn attention to violations of the right to life of refugees, internally displaced persons and returnees include, for instance: the incidents in the camps of internally displaced persons in the Kibeho area, mentioned above, as well as similar incidents in camps of internally displaced persons and refugees in Burundi (E/CN.4/1995/50/Add.2); alleged incidents in the Kupljensko area perpetrated

by the Croatian forces against Bosnian refugees (A/50/727, annex); alleged attacks by the Democratic Kayin Buddhist Organization, an armed group allegedly supported by the State Law and Order Restoration Council (SLORC), against Myanmar refugees in Thailand; and the killing of 11 Guatemalan returnees in Chisec, Guatemala (E/CN.4/1996/4; E/CN.4/1996/15). With reference to Guatemala, furthermore, the third report of the Director of the United Nations human rights mission in Guatemala (MINUGUA) (A/50/482, annex) mentions that the rights of returnees are not always adequately protected since intimidations, death threats and interference with the freedom of movement and the right to return by Voluntary Civil Defence Committee members are still going on.

37. Mass exoduses can exacerbate existing ethnic tensions and lead to conflicts that imperil the right to life. Such cases have been reported for instance by the Special Rapporteur on Zaire (E/CN.4/1996/66), where ethnic confrontation between the local ethnic groups (Bahunde, Banande and Banyanga) and the Banyarwanda (refugees from Rwanda) have continued throughout 1995.

38. When refugees, returnees and internally displaced persons are hosted in the same area, conflicts sometimes erupt between them. This has been the case for example in north Burundi, where Burundian Tutsi internally displaced persons and Rwandan Hutu refugees are housed in camps that are next to each other and are frequently competing for access to the same scarce resources (E/CN.4/1995/50/Add.2).

39. Arbitrary detention is a frequent violation of the rights of refugees and asylum seekers as pointed out by the Working Group on Arbitrary detention, referring to the case of Vietnamese in Hong Kong, Haitians and Cubans in the naval base of Guantánamo, refugees in Estonia and one case in Canada (E/CN.4/1996/40). The Special Rapporteur on Rwanda in his latest report also expressed concern for the frequent arbitrary detentions of returnees (E/CN.4/1996/68).

40. Refugees and displaced persons are often subjected to forced recruitment. According to the Special Rapporteur on the former Yugoslavia, thousands of Serb refugees from Croatia and the Krajina region have been allegedly forcibly conscripted and for that purpose expelled to Serb-controlled territories in Croatia and Bosnia and Herzegovina (A/50/727, annex). Similar concerns have also been raised in the case of the Rwandan refugees, including children in Zaire, who have not yet been demobilized (E/CN.4/1996/68).

41. The economic, social and cultural rights of displaced persons and returnees are often jeopardized. A few such examples are the camps in the former Yugoslavia, Burundi and the Sudan. The Special Rapporteur on the former Yugoslavia reported that the situation in Banja Luka (Bosnia and Herzegovina), where thousands of displaced persons from Krajina have taken refuge since August 1995, and the situation in the Kupljensko area (Croatia), where 25,000 refugees fled from Bihac, also in August 1995, is one of extreme congestion and precarious health conditions (A/50/727, annex). The Special Rapporteur on Burundi reported that between 50,000 and 100,000 persons have found themselves displaced, without access to drinking water or food, deprived of any suitable shelter and exposed to malaria, dysentery and other diseases (E/CN.4/1996/16). The Special Rapporteur on the Sudan reported that

allegations were received that extensive demolition campaigns had taken place in the areas around Khartoum where internally displaced persons live. As a result the populations in the remaining camps were growing, placing a strain on the limited health and nutrition services provided by NGOs. Furthermore, the remaining camps are placed up to 40 km from Khartoum, in areas where access to food, water, education, markets and other services is restricted (E/CN.4/1995/58).

42. The Committee on Economic, Social and Cultural Rights also has noted with concern the inadequacy of housing available for internally displaced persons, with reference to Suriname (E/C.12/1995/6).

43. Returnees frequently have to tolerate crowded housing conditions until they can actually rebuild their own homes. The Special Rapporteur on Afghanistan, for instance, reported that during his mission in August 1995 he met with returnee families, three or four of which, each consisting of six to nine persons, would sometimes share a three-room apartment. The returnees had no access to clean water, few education facilities and no means to sustain themselves (A/50/567, annex).

44. The Committee on the Rights of the Child has expressed deep concern about the situation of internally displaced persons and has observed with regard to the Philippines that the large and growing number of children who, owing to, inter alia, rural exodus, are forced to live and/or work in the streets, are deprived of their fundamental rights and exposed to various forms of exploitation (CRC/C/15/Add.29). In Sri Lanka, the Committee has noted the apparent persistence of discriminatory attitudes directed towards, inter alia, displaced children and children affected by armed conflicts (CRC/C/15/Add.40). It has expressed concern, in particular, about the access of these children to education and health services. The Special Rapporteur on Afghanistan noted that all the displaced persons and returnees he interviewed during his recent missions were suffering from separation and loss of contact with family members (A/50/567, annex).

45. The Committee on the Rights of the Child has frequently examined the situation of refugee and asylum-seeking children. With regard to Canada, for instance, the Committee recognized the efforts made for many years in accepting large numbers of refugees and immigrants, but nevertheless expressed regret that the principles of non-discrimination, of the best interests of the child and of the respect for the views of the child had not always been given adequate weight by administrative bodies dealing with the situation of refugee and immigrant children. It expressed particular worry for the resort by immigration officials to measures of deprivation of liberty of children for security or other related purposes and insufficient measures aimed at family reunification (CRC/C/15/Add.37). With regard to Belgium, it expressed concern about the application of the law and policy concerning children seeking asylum, including unaccompanied children (CRC/C/15/Add.38). With regard to Germany, it noted that the provision of medical treatment and services to asylum-seeking children did not appear to be interpreted in the light of the principles and provisions on the Convention of the Rights of the Child, in particular articles 2 and 3 (CRC/C/15/Add.43).

46. The right to seek and enjoy asylum is often imperiled. Members of CERD have expressed concern about the possible discriminatory criteria for granting refugee status to asylum seekers in Croatia, mostly Muslims from the Bihac area of Bosnia and Herzegovina (A/50/18). Similar concerns were expressed by the Special Rapporteur on the former Yugoslavia with regard to the procedures of granting refugee status in the Federal Republic of Yugoslavia to ethnic Serbs proceeding from areas under Serb control in Croatia and in Bosnia and Herzegovina and their protection from expulsion. The Special Rapporteur has also referred to threats of revocation of the refugee status of Bosnian refugees in Croatia (A/50/727, annex).

47. The Committee on the Rights of the Child has expressed concern about procedures in Germany that govern asylum-seeking children, particularly those relating to family reunification and expulsion of children to safe third countries (CRC/C/15/Add.43).

48. Finally, refugees and other displaced persons are vulnerable to racially motivated attacks. The Special Rapporteur on racial discrimination has reported on incidents affecting immigrants and refugees that have allegedly occurred in France, Germany, Italy, Japan, Kuwait, Malaysia, Portugal, the Republic of Korea, Singapore, Thailand and the United States of America (A/50/476, annex).

D. Recommendations by human rights mechanisms

1. With regard to stemming mass exoduses

49. Many special rapporteurs, representatives and independent experts reporting on country situations to the Commission and the General Assembly have made numerous general recommendations with a view to the improvement of the protection of human rights, which, if implemented, would significantly mitigate the risk of massive forced displacement. The few examples contained in the present report are indicative of more specific recommendations made by human rights mechanisms addressing in particular issues directly linked to the prevention of mass exoduses.

50. The Special Representative on Cambodia, for instance, recommended that a nationality law, with a full definition of Cambodian citizenship and consistent with the Constitution and Cambodia's international obligations, should be enacted as soon as possible. He further recommended that no collective expulsion of suspected illegal aliens should occur and directives should be issued to the effect that each individual case should be determined on its own merits (A/50/681).

51. With regard to Croatia, CERD recommended that the State party ensure that laws and regulations concerning naturalization, acquisition of citizenship, determination of refugee status and tenure of rented accommodation be implemented in a transparent non-discriminatory manner in full conformity with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination (A/50/18). Similar recommendations have been made by the Special Rapporteur on the former Yugoslavia over the past few years.

52. With regard to Mexico, CERD strongly recommended that a fair and equitable solution for the problem of distribution and restitution of lands be found, and noted that all necessary steps should be taken to ensure that land disputes are solved according to the law without improper interference, in particular by powerful landowners (A/50/18).

53. With regard to forced evictions and forced relocations, the Committee on Economic, Social and Cultural Rights recommended that the Government of the Dominican Republic should ensure that forced evictions are not carried out except in truly exceptional circumstances, following the consideration of all possible alternatives and in full respect for the rights of all persons affected. It also noted that whenever forced evictions do take place, adequate alternative housing should be provided. "Adequacy" in this context would require relocation within a reasonable distance from the original site, and in a setting which has access to essential services such as water, electricity, drainage and garbage removal (E/C.12/1994/15). With regard to the Philippines, the Committee made similar recommendations, but further recommended that the Government consider the establishment of an independent body legally responsible for preventing illegal forced evictions and for monitoring, documenting and reviewing any ongoing or planned forced evictions (E/C.12/1995/7).

2. With regard to the right to seek and enjoy asylum and the rights of refugees

54. Special rapporteurs, representatives and independent experts have repeatedly emphasized the need to protect and promote the right to seek and enjoy asylum and the principle of non-refoulement. Over the past year the Special Rapporteur on the former Yugoslavia and the Special Rapporteur on Zaire addressed these concerns in their reports and made corresponding recommendations.

55. With regard to the right to seek and enjoy asylum, the Committee on the Rights of the Child recommended that Denmark consider the reviewing of the compatibility of its Alien Act with the provisions and principles of the Convention on the Rights of the Child, including the principle of family reunification, and the provision of health and education services (CRC/C/15/Add.33). With regard to Canada, the Committee recommended that every feasible measure be taken to facilitate and speed up the reunification of the family in cases where one or more members of the family have been considered eligible for refugee status in Canada and suggested that expulsions causing the separation of families should be avoided. The Committee further recommended that the Government address the situation of unaccompanied children and children having been refused refugee status and awaiting deportation (CRC/C/15/Add.37). Similar recommendations were made to Belgium (CRC/C/15/Add.38). With regard to Germany, the Committee was of the opinion that the issue of asylum-seeking and refugee children deserved further study with a view to reform in light of the Convention on the Rights of the Child. The Committee recommended that Tunisia should consider adopting legislative provisions on the rights of the refugee and asylum-seeking child, in consultation with the United Nations High Commissioner for Refugees.

3. With regard to the protection of internally displaced persons

56. In recent years the Commission has paid particular attention to the plight of internally displaced persons, by requesting the appointment of a representative of the Secretary-General charged with analysing the legal and institutional framework and examining country situations where internal displacement is a serious problem. The Representative has presented to the current session of the Commission his compilation and analysis of legal rules and norms pertaining to internally displaced persons, in an effort to sharpen awareness of the international human rights and humanitarian law addressing the needs of these populations (E/CN.4/1996/52/Add.2).

57. Most recently the Representative visited Peru. In the report on his mission (E/CN.4/1996/52/Add.1) he made a number of recommendations, including the question of personal documentation, guarantees against arbitrary detention, guarantees in cases where voluntary return to the areas of origin is being promoted, and the right to settle permanently in areas other than the areas of origin.

58. During the period under review, the Special Rapporteur on Burundi recommended that a national police force accepted by both the Hutu and the Tutsi communities be set up, whose main responsibility would be to protect the civilian population; this police force would also ensure security and protection of persons in the camps of refugees and displaced persons.

59. The Committee on the Rights of the Child, reviewing the initial report of Sri Lanka, recommended that all appropriate measures be taken to ensure that displaced children have access to basic services, particularly in the field of education, health and social rehabilitation (CRC/C/15/Add.40).

4. With regard to the right to return

60. Many special rapporteurs and independent experts reporting on the human rights situation in refugee-generating countries have made many recommendations pertaining to the right to return to one's own country. Most recently, the issue has been addressed by the Special Rapporteur on Rwanda and the Special Rapporteur on the former Yugoslavia. In both cases the Special Rapporteurs urged the implementation of effective measures to ensure the prosecution of the alleged perpetrators of genocide, to observe human rights and to provide assistance with building housing for the returnees. The Special Rapporteur on Afghanistan recommended that the returnees should be allowed to maintain their refugee status until they are able to live in security and enjoy a basic minimum standard of living in peaceful conditions.

61. With regard to the right to return to one's own country or habitual area of residence in the case of Bosnia and Herzegovina, CERD urged the immediate reversal of ethnic cleansing, which must begin with the voluntary return of displaced persons. In decision 2 (47) of 17 August 1995 regarding the situation in Bosnia and Herzegovina, the Committee demanded that persons be given the opportunity to return safely to the places they inhabited before the beginning of the conflict. CERD also reiterated its hope that the displaced in Cyprus would be enabled to exercise their freedom of movement and residence and their right to property, as provided for in the Convention (A/50/18).

62. The Human Rights Committee, reviewing the fourth periodic report of the Russian Federation in July 1995, urged that appropriate and effective measures be adopted to enable all persons displaced as a consequence of the events that occurred in North Ossetia in 1992 to return to their homeland, and that adequate measures be adopted to alleviate the conditions of all displaced persons following the fighting in Chechnya, including measures aimed at facilitating their return to their towns and villages (CCPR/C/79/Add.54).

63. In decision 1 (47) of 16 August 1995 concerning Burundi, CERD asked the General Assembly and the Security Council to take decisive steps and to begin, in cooperation with the Government and all political forces in Burundi, to implement, inter alia, the recommendation that the residential neighbourhoods of Bujumbura which previously were ethnically mixed, be rehabilitated (A/50/18).

II. INFORMATION ON SOLUTIONS

64. The Secretary-General was requested to compile information and views on solutions found to be effective in the area of mass exoduses.

65. UNHCR in its reply and its recent Note on International Protection (A/AC.96/850) observes that international solidarity is necessary in respect of countries of origin in seeking sustainable solutions to refugee problems as well as in preventing their recurrence. Last year the Executive Committee of UNHCR recognized that for repatriation to be a sustainable and thus truly durable solution, it was essential that the need for rehabilitation, reconstruction, and national reconciliation be addressed in a comprehensive and effective manner. These elements have been thoroughly analysed in recent years, and there has been considerable agreement that greater emphasis on reconciliation was needed along with measures to underpin peace and sustainable reintegration. The establishment of an effective human rights regime, institutions which sustain the rule of law, including an independent judicial system accessible to all, and an accountable public administration are at least as important as the rehabilitation of structures and facilities.

66. The Note on International Protection also outlines some practical measures that can be taken to facilitate repatriation and, mutatis mutandis, return of displaced persons to their home areas. These may include encouraging the facilitation of visits by refugees to countries of origin and, in the context of information campaigns and education promoting voluntary repatriation, of representatives of the country of origin to refugee camps and settlements. The safety and viability of repatriation operations depends, inter alia, on commitments given by the country of origin, the effectiveness of international monitoring of returnees and proper provision for those who have valid reasons not to return home.

67. Various governmental and non-governmental legal initiatives and institutions aim at providing solutions to refugees, internally displaced persons and returnees. Some Governments' efforts focus on the reception of refugees. The Government of Ukraine, for instance, in its reply, notes that a Ministry of Nationalities, Migration and Religious Affairs has been created to

deal with refugee problems. A Refugee Act, which spells out the concept of "refugee", has been adopted, in accordance with the 1951 Convention relating to the Status of Refugees. The Government of Romania notes that it is in the process of putting in place structures to deal with refugees and asylum seekers and that it has granted asylum to 300 Somalis, to whom it has provided shelter and food assistance.

68. Other Governments refer in their replies to the steps taken to address the needs of internally displaced populations. The Government of Colombia for example, notes its planned Programme for Prevention and Care in the Enforced Displacement of Persons and other programmes to address the problems of the displaced and encourage participation of the communities concerned and the local and regional administrators, as well as domestic and international NGOs. The Government has also considered developing a temporary system for activating the legal machinery and mechanisms available to provide safeguards for persons being threatened with displacement, and designing an official policy with respect to internally displaced persons. Similar projects are being undertaken in Peru, according to the Representative of the Secretary-General on internally displaced persons. The Government of Cambodia has also taken certain steps to facilitate the return of displaced ethnic Vietnamese Cambodians to their areas of habitual residence (A/50/681).

69. Finally, other Government efforts concern returnees. In Afghanistan, for instance, as reported by the Special Rapporteur, various methods have been set up to deal with the property rights of the returning refugees and the legal incentives to encourage refugees to return. Tripartite commissions have been established with the Islamic Republic of Iran and Pakistan to coordinate efforts to deal with the refugee problem (A/50/567, annex).

III. INTERNATIONAL COOPERATION

70. The Secretary-General was asked to provide information on action taken pursuant to the recommendation in resolution 1995/88 for intensified cooperation of Governments and organizations concerned to address the problems of mass exoduses and their causes.

A. Replies from Governments

71. The Government of Angola noted its intensive cooperation with UNHCR and their efforts to deal with the serious problems faced by refugees and displaced persons. Currently, efforts are concentrated on the repatriation and reintegration of Angolan refugees in conditions of safety and dignity, as spelled out in the Memorandum of Understanding between the Government and UNHCR.

72. The Government of Spain noted its activities with regard to the spirit of international cooperation expressed in the resolution, which take place not only in the intergovernmental sphere but also through numerous Spanish NGOs, as in the case in the former Yugoslavia and Rwanda. These activities include close cooperation with many different organizations, including UNHCR, by providing financial contributions, presence in the field of governmental and NGO staff, and reception of refugees in the Spanish territory.

73. The Government of Ukraine noted that it welcomes the efforts of the international community aimed at resolving refugee problems and is in favour of strengthening cooperation with organizations and specialized agencies of the United Nations system dealing with assistance to refugees.

74. The Government of Romania considered that the efforts deployed on the national and international levels to address the serious problems confronting refugees and displaced persons, such as its cooperation with UNHCR aiming at the creation of national structures to deal with asylum seekers, should be supported by global actions to eliminate the root causes of mass exoduses.

B. Replies from intergovernmental organizations

75. The High Commissioner for Human Rights, through the field operations established under his mandate, in particular in Rwanda, has striven to contribute to the process of repatriation and return of refugees and internally displaced persons respectively, through the monitoring of the human rights situation in the area of origin. In this regard the High Commissioner is cooperating closely with the Government of Rwanda and UNHCR, as well as with other competent international and non-governmental organizations.

76. In his latest report to the General Assembly (A/50/36), the High Commissioner for Human Rights emphasized the need for continued protection of the human rights of displaced persons and refugees, in cooperation with the relevant United Nations programmes and agencies, in particular UNHCR and the Department of Humanitarian Affairs and regional organizations, as well as with the Representative of the Secretary-General on internally displaced persons. At the present time, attention is being paid in particular to: (a) ensuring an international human rights presence in countries with large internally displaced/refugee populations, especially in locations where there are concerns for the protection of displaced persons, for example, in camps and at returnee sites; (b) dispatching human rights field officers to collect information, ascertain protection needs, monitor the situation, provide the Representative of the Secretary-General with information and disseminate knowledge of human rights; (c) elaboration of guidelines on how to monitor and report on the human rights situation specifically of displaced persons and to include displacement-related human rights law in manuals to be prepared for field staff; (d) support for the Representative of the Secretary-General in his efforts, especially with regard to his missions and follow-up to his recommendations; (e) inter-agency coordination both at Headquarters and in the field; (f) increasing human rights training activities for staff of humanitarian and peace-keeping operations; (g) human rights training activities, specifically with regard to displaced persons, for community leaders and members of the armed forces and police; and (h) support for non-governmental organizations with expertise providing human rights assistance to displaced persons.

77. UNHCR recalls its commitment to active cooperation in worldwide efforts to address the problems resulting from mass exoduses of refugees and displaced persons. Following its traditional strategy, UNHCR believes that the international community should not only address the consequences of large-scale forced displacement of populations, but also the causes of such exoduses. In this spirit, the Office seeks support from States, human rights

bodies and mechanisms and international organizations. In particular, it is actively involved in the work of all relevant human rights forums of the United Nations and assists in the preparation of field missions and the establishment of closer institutional links with the mechanisms of the Commission.

78. In its recent Note on International Protection, UNHCR underlined the desirability of global efforts to address the problem of providing protection to those in need of it in the context of mass influx, emphasizing that concerted approaches call for the full participation of States beyond the immediately affected region. It praised international efforts to hold accountable those responsible for gross human rights violations in different regions, but deplored troubling developments such as measures to restrict entry of refugees, forcible mass return and a failure to meet internationally agreed standards of treatment.

79. The OSCE in its reply mentions that some of its long-duration missions have addressed the issue of the human rights of refugees and internally displaced persons, in particular in Georgia, Tajikistan and Bosnia and Herzegovina. In Tajikistan, in particular, the OSCE Mission has replaced the UNHCR field offices in the south in order to continue to monitor the human rights situation of returnees.

80. Interpol in its letter observed that it gives assistance to the repression of serious violations of international humanitarian law and, in particular, of the crime of genocide, and that, at present, it cooperates actively with the International Criminal Tribunal for the Former Yugoslavia.

81. In its reply the IMF noted that its lending facilities to provide financial support to member countries as they seek to implement appropriate structural, financial and economic policies is available to countries affected by mass exoduses. In such cases the phenomenon of mass exodus is a key element in the policy dialogue with member countries, which includes an assessment of the impact and appropriate financial and economic policy responses.

82. UNEP in its reply noted that caring for natural resources and promoting their sustainable use is an essential response of the world community to alleviate mass migrations and ensure its own survival and well-being. In this regard, UNEP's programme of work for the 1996-1997 biennium, approved by its Governing Council in May 1995, responds to a number of relevant issues such as desertification, pollution, climate change and natural resource degradation.

83. UNIDO in its reply noted that despite its limited mandate to operate in the field of mass exoduses, it is partly engaged in promoting technical cooperation in the context of post-emergency situations. It has implemented technical cooperation projects in Bosnia and Herzegovina and in Croatia, such as the construction of schools for internally displaced persons and local communities, and the provision of experts for nutritional projects.

84. Mention is also made of a report entitled "International Migration and Development" (E/1995/69) which was discussed at the Economic and Social Council at its substantive session of 1995. The Council, in its

decision 1995/313, recommended that the Assembly continue consideration of the question of convening a United Nations conference on international migration and development.

85. In its Note on International Protection referred to earlier, UNHCR noted a number of initiatives aimed at strengthening coordination on a regional basis. Such is the case of the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region (February 1995) and the preparations for a regional conference to address current and potential refugee problems and related population movements in the CIS and relevant neighbouring countries, which UNHCR is undertaking in collaboration with the International Organization for Migration (IOM) and OSCE. The High Commissioner for Human Rights and the Representative of the Secretary-General on internally displaced persons are participating in these regional initiatives.

86. In Cambodia, El Salvador, Guatemala, Haiti and Rwanda multifaceted projects, involving a human rights component and implemented by intergovernmental and non-governmental organizations, have facilitated the return of large numbers of refugees to their home areas and have prevented the recurrence of a new mass exodus. The inclusion of a strong human rights element in these projects, including monitoring and the provision of advisory services, contributed in a significant way to accomplishing the objectives of these missions.

C. Replies from a non-governmental organization

87. FWCC in its reply refers to Commission resolution 1995/88 and the role of the High Commissioner for Human Rights with regard to the human rights aspects of forced displacement. It notes that while seemingly modest, the specific request that the High Commissioner address situations of mass exodus through mechanisms such as information sharing, the provision of technical advice, expertise and cooperation may in fact serve to designate his office as focal point for coordination of the relevant work relating to the human rights aspects of forced displacement. While it questions whether this language would result in anything more than "information-shuffling" and whether the High Commissioner will be able to address situations of mass exodus simply by "information-sharing, the provision of technical advice, expertise and cooperation", it none the less observes that space seems to have been created for effective contributions and actions by the High Commissioner. It points out, though, that the latter are ultimately dependent on the commitment of financial resources and political will.

IV. EARLY WARNING, HUMAN RIGHTS AND MASS EXODUSES

88. The Secretary-General has been requested to report on action taken regarding early warning in the area of human rights and mass exoduses, and on any comments received. He has further been asked to provide information regarding the emergency preparedness of the High Commissioner for Human Rights.

A. Action taken

89. In his report to the Commission last year (E/CN.4/1995/49), the Secretary-General described the progress of early warning activities system-wide, which were further discussed in his report to the fiftieth session of the General Assembly (A/50/566), as requested by the General Assembly in its resolution 48/139. At its meeting on 25 September 1995 the Administrative Committee on Coordination decided to extend the mandate of the Working Group on Early Warning of Mass Flows of Refugees and Displaced Persons. The General Assembly adopted resolution 50/182 of 22 December 1995, in which it requested that a similar report be submitted to the General Assembly at its fifty-second session.

90. The United Nations High Commissioner for Human Rights has placed particular emphasis on early warning and other activities aimed at preventing human rights violations throughout the world, including timely and intensive dialogue with individual Governments. Preventive activities, in the form of promotion of human rights, training and education, the provision of advisory services and the fielding of human rights observers, are expected to help ensure that mass exoduses will not occur. Early notice of situations in which the United Nations human rights programme could play a role in preventing the outbreak of serious violations of human rights requires close cooperation between the High Commissioner for Human Rights, the Commission and its system of special procedures, the various bodies monitoring the human rights treaties, other relevant agencies and programmes of the United Nations and non-governmental organizations. Such cooperation can facilitate early warning of emergencies, potentially mitigating or avoiding such disasters.

91. Towards this end, the High Commissioner has invited human rights treaty bodies, the special rapporteurs and representatives, experts and working groups established by the Commission on Human Rights, as well as the United Nations agencies and programmes and non-governmental organizations, to pay attention to situations which might need preventive action. The High Commissioner has been receiving information from all human rights mechanisms and has kept them informed of his own activities. He has also regularly contributed to the framework for coordination projects organized by the Department of Humanitarian Affairs, the Department of Political Affairs and the Department of Peace-keeping Operations, to which he has submitted country-specific information for use in simulation exercises. The capacity of the Centre for Human Rights to analyse and review information of this kind has been enhanced, but further strengthening is required. This is a major element in the current restructuring exercise in the Centre. Nevertheless, it must be pointed out that effective early warning and prevention require resources which are currently not available to the High Commissioner. His efforts will, therefore, not yield the desired effects as long as the resource situation remains unresolved.

92. A case in point is the situation in Burundi, where the High Commissioner established a United Nations human rights office on 15 June 1994, with the agreement of the Government of Burundi. The High Commissioner made an appeal to the Commission on 17 February 1995 regarding the deteriorating situation

in Burundi, following which the Commission, in its resolution 1995/90 of 8 March 1995, emphasized the need to increase the preventive activities of the international community in that country, notably through the presence of human rights observers, and called upon the Chairman of the Commission to appoint a special rapporteur on the human rights situation there. The Security Council, in a statement by the President of 9 March 1995 (S/PRST/1995/10), encouraged the High Commissioner to strengthen his field office. On that basis the High Commissioner obtained from the Government of Burundi its consent to the deployment of up to 35 human rights observers in early 1995, followed by a formal agreement, and made an appeal for voluntary funding. However, while an agreement concerning an initial group of five observers was concluded with the Commission of the European Union, at the time of writing of this report no funds had been effectively made available, making it impossible to deploy any human rights observers. An important opportunity to influence positively the human rights situation in the country, which has constantly deteriorated, may have been lost due to the lack of resources.

93. In its reply, UNHCR mentioned that information systems are crucial to support preparedness and response mechanisms. In recognition of this, UNHCR participates in initiatives within the United Nations to establish an early warning system, but, in addition, it has begun to develop its own information bases to bolster its operational capacity. This allows the analysis and grading of country situations according to a numeric scale based on predictions relating to the potential size and time-frame for the movements of persons. The resulting reports are captured on UNHCR databases, known collectively as REFWORLD and available via the INTERNET. UNHCR also organized a Meeting on Early Warning Work Covering the CIS Region, organized by UNHCR and the Russian Academy of Sciences, which was held in May 1995 in Moscow.

94. UNEP, in its letter, noted that pursuant to decision 17/26 adopted at its 17th Governing Council in 1993, it developed a mechanism to improve the United Nations capacity to respond to environmental emergencies. UNEP and DHA established a joint Environment Unit, which aims to facilitate the provision of international assistance to countries facing environmental emergencies. UNEP further noted that there is an urgent need to investigate ways of anticipating environmental emergencies, as well as to derive creative non-judicial mechanisms for the avoidance of environmental disputes.

B. Comments received

95. The Government of Ukraine pointed out that it considers it vital to expand the efforts for preventive measures with a view to identifying and forestalling the main causes of mass exoduses and the emergence of new refugee and migrant populations, including the establishment of efficient rapid response and early warning mechanisms to deal with crisis situations.

96. FWCC in its reply noted that with respect to early warning, it is generally acknowledged that a wealth of valuable information and analysis is regularly produced, but the problem is that there is little or no follow-up action.

V. ACCESSION BY STATES TO INTERNATIONAL REFUGEE AND HUMAN RIGHTS INSTRUMENTS

97. The Secretary-General was requested to provide information with regard to the recommendation contained in resolution 1995/88 encouraging States to consider accession to the international refugee and human rights instruments.

98. Forty-five new accessions have been registered in the first 10 months of 1995. Two States have acceded to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, bringing the total number of States parties to 133 and 132 respectively; 6 States have acceded to the latter's Optional Protocol and 4 to the Second Optional Protocol, bringing the number of States parties to 87 and 29 respectively; 3 States have acceded to the International Convention on the Elimination of All Forms of Racial Discrimination, bringing the total number of States parties to 145; 9 new States have acceded to the Convention on the Elimination of All Forms of Discrimination against Women, bringing the total number of States parties to 147; 5 States have acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, bringing the total number of States parties to 91; 11 States have acceded to the Convention on the Rights of the Child, bringing the total number of States parties to 181; and 3 States have acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, bringing the total number of States Parties to 6. As part of his mandate, the High Commissioner for Human Rights has promoted accession to these international human rights instruments and has increased promotion and training activities for government officials, including military and police authorities.

99. In its reply UNHCR observed that in 1995 two States acceded to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, bringing the total number of States parties to 129. As part of its promotion strategy, the Office is also increasing its training of government and non-government personnel in areas related to the protection of refugees and displaced persons.

VI. ACTIVITIES WITH REGARD TO REFUGEE AND INTERNALLY DISPLACED WOMEN

100. The Secretary-General was asked to provide information on activities that address the situation of refugee and displaced women.

101. The Special Rapporteur on violence against women in her preliminary report (E/CN.4/1995/42) raised a number of issues of relevance to displaced and refugee women. Her conclusions and recommendations have been reflected in the Beijing Declaration and Platform for Action, adopted by the Fourth World Conference on Women in Beijing on 15 September 1995 (A/CONF.177/20, chap. I). The Conference adopted several conclusions and recommendations with regard to refugee and internally displaced women and other displaced women. In the Platform for Action it observed that an estimated 125 million people are migrants, refugees or displaced persons, half of whom live in developing countries; these massive movements of people have profound consequences for

family structures and well-being and have unequal consequences for women and men, including in many cases the sexual exploitation of women (para. 36). The Platform for Action also recognizes that women face barriers to full equality and advancement and to the enjoyment of their human rights. Additional barriers exist for refugee women, other displaced women, including internally displaced women, as well as for immigrant women and migrant women (paras. 46, 210 and 225). Furthermore, the factors that cause the flight of women may be different from those affecting men. These women continue to be vulnerable to abuses of their human rights both during and after their flight (para. 226).

102. With regard to actions to address the needs and efforts of women in poverty, the Platform for Action stipulates that measures should be introduced to ensure that internally displaced women have full access to economic opportunities and that the qualifications and skills of immigrant and refugee women are recognized (para. 58 (l)). With regard to the illiteracy rate among women, emphasis in reducing it should be given, inter alia, to migrant, refugee and internally displaced women (para. 81 (a)). Access to quality education and training for adult women should also be ensured for documented migrant, refuge and displaced women to improve their work opportunities (para. 82 (k)).

103. The Platform for Action further states that violence against women is an obstacle to the achievement of the objectives of equality, development and peace (para. 112). It notes that some groups of women are particularly vulnerable to violence, such as refugee women, women migrants, including women migrant workers, displaced women and repatriated women (para. 116). For this reason, the Platform for Action calls for special measures to eliminate violence against women, particularly those in vulnerable situations, including enforcing any existing legislation (para. 126 (d)). The Platform for Action also recognizes that massive violations of human rights, including in the form of creating a mass exodus of refugees and displaced persons, are abhorrent practices that are strongly condemned and must be stopped immediately, while perpetrators of such crimes must be punished (para. 131).

104. It is observed that the majority of the refugees and displaced, some 80 per cent, are recognized to be women, adolescent girls and children (paras. 133, 136). They are threatened by deprivation of property, goods and services and deprivation of their right to return to their homes of origin as well as by violence and insecurity; particular attention should be paid to sexual violence against uprooted women and girls employed as a method of persecution in systematic campaigns of terror and intimidation and forcing members of a particular ethnic, cultural or religious group to flee their homes. It is further stated that women may also be forced to flee as a result of a well-founded fear of persecution through sexual violence or other gender-related persecution, and they continue to be vulnerable to violence and exploitation while in flight, in countries of asylum and resettlement and during and after repatriation. It is noted, though, that women often experience difficulty in some countries of asylum in being recognized as refugees when the claim is based on such persecution (para. 136). The Platform for Action recognizes, furthermore, that refugee, displaced and migrant women in most cases display strength, endurance and resourcefulness

and can contribute positively to countries of resettlement or to their country of origin or return; they need therefore to be appropriately involved in decisions that affect them (para. 137).

105. In the light of the above, strategic objective E.5 calls for the provision of protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women (paras. 147 (a)-(o) and 148).

106. The strategic objective to promote and protect the human rights of women includes a call to all relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the High Commissioner for Human Rights and the High Commissioner for Refugees, to establish effective cooperation between themselves, taking into account the close link between massive violations of human rights and the fact that refugee, displaced and returnee women may be subject to particular human rights abuse (para. 231 (h)).

107. In his compilation and analysis of legal norms (E/CN.4/1996/52/Add.2) the Representative of the Secretary-General on internally displaced persons explores in detail the international law that applies to the specific needs of internally displaced women in the areas of life and personal safety, personal liberty, subsistence, movement-related needs, property, personal documentation and registration, family and community values and self-reliance.

108. A regional conference on the legal status of refugee and internally displaced women in Africa, organized by the United Nations Development Fund for Women (UNIFEM) and co-sponsored by the OAU, took place on 1-4 August 1995. Its purpose was to discuss ways in which the legal status of refugee and internally displaced women in Africa could be strengthened. It was generally felt that the specific concerns of these women have not been adequately reflected in the existing human rights instruments. The delegates drafted a final document, which included conclusions and recommendations, divided into four parts: standard-setting, implementation/monitoring/accountability; education/training; institutional arrangements. These will be presented to the OAU and other relevant organizations as a basis for cooperation between relevant organizations for the promotion and protection of the legal rights of refugees and internally displaced women in Africa.

109. UNHCR, in its reply, observed that with regard to the issue of violence against women, it strongly supports the work of the Special Rapporteur and enjoys an excellent working relationship with her. It further notes the publication in March 1995 of its Guidelines on Preventing and Responding to Sexual Violence against Refugees, which contains recommendations made by the Special Rapporteur.

VII. VIEWS OF THE SECRETARY-GENERAL

110. The Secretary-General has been asked to include in the present report recommendations and conclusions emerging from the action taken pursuant to resolution 1995/88.

111. The problem of mass exoduses, both internal and external, has grown over the last few years to alarming dimensions. As indicated in the present

report, mass exoduses may be the by-product of man-made or natural disasters. In the overwhelming majority of cases they are caused by human rights violations and abuses, including in the context of armed conflict. They are also frequently prompted by mass expulsions, internal transfers, forced evictions, forced relocations or forced repatriation, in other words by deliberate measures to remove a population from its area of origin. Similar problems frequently impede the process of voluntary repatriation and return.

112. While forced population movements resulting in mass exoduses constitute an infringement of international human rights and humanitarian law, they also place the populations concerned in a situation which makes them particularly vulnerable to violations of their human rights.

113. In recognition of the acute human rights problems associated with mass exoduses, special rapporteurs, representatives and independent experts appointed by the Commission on Human Rights, and bodies monitoring the implementation of human rights treaties have made many recommendations pertaining to the prevention of mass exoduses, to the rights of refugees and asylum seekers and to the rights of internally displaced persons. Attention is drawn in particular to the reports and studies undertaken by my Representative on internally displaced persons, Mr. Francis Deng, in particular his legal compilation and analysis of legal norms pertaining to internally displaced persons. The role of the Emergency Relief Coordinator and of the Inter-Agency Standing Committee (IASC) Task Force on Internally Displaced Persons, on which the High Commissioner for Human Rights and the Secretary-General's Representative on Internally Displaced Persons are represented, should be mentioned in this regard.

114. Governments and specialized agencies of the United Nations have also recognized the significance of improving human rights situations in order to promote solutions to mass exoduses. International cooperation to respond to mass exoduses, in terms of prevention, protection and assistance, and solutions, is pursued in the national, regional and international spheres.

115. Nevertheless, the international community is confronted now more than ever with the challenges that mass exoduses pose. These grave human rights and humanitarian issues call for substantially increased levels of international cooperation and solidarity that imply action at the level of the Governments, the Commission, the human rights bodies and mechanisms, the specialized agencies of the United Nations, and the non-governmental community.

116. In view of the need for comprehensive approaches, human rights elements must be further integrated into the work of relief agencies, whether governmental, intergovernmental or non-governmental, as well as in peace-keeping operations. The High Commissioner for Human Rights, who has a significant role to play in this regard, has already taken important initiatives in this respect.

117. It is important that specific information and recommendations in the areas of prevention, protection and solutions in cases of mass exoduses be increasingly provided by pertinent human rights treaty bodies and mechanisms, whether they report on specific human rights issues on a global basis or with

regard to country-specific human rights situations. Their insight is essential to guide the international community in taking effective action in terms of prevention, protection and solutions. While it would be desirable that yet more specific recommendations emanate from these bodies, it is equally important that they be given the attention they deserve by the competent policy-making organs. The international community should pay more attention to their recommendations and enable the United Nations to take action, including by providing the necessary resources.

118. This is particularly relevant to the response to early warning signals, as they are made available by human rights bodies and mechanisms. While awareness of the importance of an early warning focus in the work of these mechanisms has increased, it is important to establish the channels that will ensure "early action". This information must be included and taken into account in the work of the inter-agency structures that are in place to facilitate better coordination of activities. DHA's work on the Humanitarian Early Warning System (HEWS), which includes a section on human rights prepared in consultation with the Centre for Human Rights, and the relevant information exchanges within the Framework for Coordination between the Department of Political Affairs, the Department of Peace-keeping Operations and DHA should be especially noted here, as they address the need for and the benefit of integrated and consolidated approaches in early warning and early action. Electronic transmission of data is greatly enhancing the exchange and sharing of information, but further efforts are needed to conceptualize and design a functional system of early warning of mass exoduses and other human rights crises. It must, however, be stressed once again that in the absence of the political will to act and of resources commensurate to the challenges that early warning information presents, it is unrealistic to expect very effective responses.

119. Particular attention should be paid to vulnerable groups, including women, children and the elderly, in the areas of prevention, protection and assistance, and solutions. With regard to the human rights issues of refugee and internally displaced women, human rights bodies and mechanisms and the specialized agencies of the United Nations must ensure that the recommendations of the Beijing Declaration and Programme of Action are integrated into their work that addresses the needs for protection and assistance of internally displaced and refugee women.

120. Finally, it must be stressed that perhaps the most fundamental statement in the resolution on human rights and mass exoduses remains one that the Commission has repeated for several years, namely calling upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race, religion or language. As a follow-up to the Beijing Declaration, it might be appropriate to include gender in this list. Progress in this area requires not only universal ratification of all human rights instruments and their effective implementation, but also vigilant national and international policies to ensure that emerging negative trends can be checked and addressed in a constructive manner.